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HONOLULU, H. T., FRIDAY OCTOBER 14, 1904—SEMI-WEEKLY.

WHOLE No. 2633.

THE JURY FINDS BOYD GUILTY OF EMBEZZLEMENT

**Counts Based Upon His Stealings
While Chief Clerk of Public
Land Office.**

**Private Bills Conveniently Paid With Public
Money—Boyd Taken In Charge by Police
But Released on Bail.**

Edward S. Boyd, former Commissioner of Public Lands, was found guilty of embezzlement of public moneys by a jury before Judge Robinson yesterday afternoon. His conviction according to the form of the verdict embraced all three counts of the indictment on which he was tried, which charged him with embezzlement respectively of \$675, \$2500 and \$1532.50. The jury was absent only ten minutes.

This case referred only to the time when Boyd was secretary and sub-agent in the Land office. Whereas the aggregate amount of his embezzlements as now found by the jury is \$4727.50, the shortage discovered in the department attributed to the years in which he filled that position and subsequently that of Commissioner is about \$30,000. For part of the balance Stephen Mahaulu, who was next highest officer to Boyd in both capacities, is under indictment, as Boyd himself is for other large sums gone missing while he was head of the department.

For embezzlement of public moneys by an officer having their legal custody the penalty is imprisonment at hard labor for a term not exceeding ten years or a fine not exceeding five times the amount embezzled. Therefore for the present conviction on three counts Boyd might be sentenced to imprisonment for thirty years or payment of a fine of \$23,637.50.

THE CLOSING INCIDENTS.

Mr. Chillingworth began his closing address to the jury for the defendant at 2:45, ending at 3:36, when Attorney General Andrews closed for the Territory in an address ending at 4 o'clock. Judge Robinson's instructions to the jury were concluded at 4:20, when the jury retired to consider their verdict. They returned at 4:30 with the following verdict:

"We the jury in the above entitled cause find the defendant guilty as charged in the indictment."

Mr. Chillingworth noted exceptions to the verdict and gave notice of motion for a new trial.

Judge Robinson set Saturday at 10 o'clock a. m. for sentence.

Judge Robinson, after a conference with the Attorney General and Mr. Chillingworth following adjournment of the court, fixed Boyd's bail bond on appeal at \$7000. His bail for appearance for trial under all the indictments against him was \$15,000.

Boyd obtained a bond in the sum of \$7000, with George H. Robertson as surety, early last night and was released from custody pending his appeal.

LAST DAY'S PROCEEDINGS.

Boyd took the stand again yesterday morning, for redirect examination in his own defense. He produced his paid checks to Stephen Mahaulu amounting to over \$1000, which he said were given for the payment of his personal bills. Mahaulu acted as his agent, drawing his salary for him, while he was absent at Washington. He was to pay Mrs. Boyd \$125 and expend \$25 more for paying small bills, the balance to be applied to lifting defendant's evidence of debt in the Land Office safe. Among these evidences exhibited by the prosecution the previous day were some Hager glory bills, and of these Boyd now testified that Mahaulu had secured instructions in the amount that ap-

peared. He doubted if so much of liquor had been consumed at his house. When shown a certain receipt he stated that he had given Mahaulu his check for the bill it represented. This statement caused one of the warmest incidents of the trial when Mahaulu afterward was put on the stand in rebuttal. Another statement of Boyd also figured prominently in the same way. He was telling about a check for \$531 and said \$60 of it was for a payment on land at Lahaina for his wife, another sum for a certain purpose stated and the balance he could not say for what.

THE REBUTTAL.

Stephen Mahaulu, called in rebuttal by the prosecution, denied that Boyd had ever deposited his own money with him to pay his (Boyd's) obligations, also said Boyd left no money with him when he went to Washington. Witness testified regarding a number of I. O. U.'s showing him saying they represented money taken from the Land Office funds by Boyd which, in any of the cases, were never repaid.

On being shown a receipted bill, Mahaulu at once said that Boyd gave him a check for that bill. It had been left lying around the office and got in among the other exhibits shown. He told Deputy Attorney General Peters about it when that official was holding an investigation, but so much interest was being taken in the I. O. U.'s, etc., that his remark was not noticed.

Mr. Chillingworth cross-examined him long and severely on this item. Mahaulu, when asked how he remembered the incident, said "there was no stenographer there" on that occasion, as there had been at another investigation of the matter. Mr. Chillingworth took up the "stenographer" matter and harassed the witness about it until at length the Attorney General raised the objection, which was sustained, that the question had been asked and answered repeatedly.

Mahaulu, being questioned on the bunch of Boyd's checks, singled out one for \$60, saying that was a payment on land at Lahaina for Mrs. Boyd. This was a contradiction of Boyd's evidence that the payment in question was included in the \$531 check.

Mr. Andrews produced a large money bag containing pieces of paper, which Mahaulu identified as the receptacle for I. O. U.'s and the like kept in the Land Office safe. Witness was asked to look through the contents of the bag and see if there were any other I. O. U.'s belonging to Boyd the amounts of which had come out of public funds and never been repaid.

Mr. Chillingworth objected to evidence on the subject unless the prosecution filed every paper as an exhibit. The objection was sustained. Mr. Andrews did not consider the matter of sufficient materiality for all that trouble and withdrew the sack. Mr. Chillingworth made sarcastic remarks on the "dramatic display" and the court instructed the jury to ignore the bag incident.

THE CLOSING ARGUMENT.

Shortly after the court resumed at 2 p. m., the closing arguments to the jury were made.

Mr. Chillingworth reminded the jury that they were the sole judges of the facts and that the defendant was being tried by them exclusively under the charges in the indictment, which accused him of embezzling three specific sums of money from the Territory of Hawaii. The evidence had shown them that a great deal of business raised

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OYAMA WINNING THE FIGHT



GENERAL OKUSAKI AND STAFF. THIS GENERAL DEFEATED GENERAL COUNT KELLER'S ATTEMPT TO RETAKE THE MOTIENLING: THE BUILDING IS THE TEMPLE OF KWANTU, CLOSE TO THE SCENE OF THE BATTLE.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, Oct. 14.—General Kuropatkin reports that his left wing has been ordered back to the main position. The center has been forced back. Russian losses are considerable. Kuropatkin stays in the thickest of the fighting.

A JAPANESE VICTORY.

LONDON, Oct. 14.—The press regards the battle as a Japanese victory.

BATTLE STILL ON.

MUKDEN, Oct. 14.—The battle is still in progress.

JAP CRUISERS ACTIVE.

TSINGTAU, Oct. 14.—Ships arriving report having been stopped by Japanese cruisers off Chefoo and this port.

AFTERNOON REPORT.

TSINGTAU, Oct. 13.—The German steamer Emma, coal laden, is attempting to run the Port Arthur blockade. The Russians are offering fabulous prices for cargoes.

ST. PETERSBURG, Oct. 13.—Oyama's forces are advancing against the right of Kuropatkin and are attempting to turn the Russian flank. The War Office is not very confident over the outcome of the present battle.

ST. PETERSBURG, Oct. 13.—General Stoessel reports that the Russians from the Port Arthur garrison have recaptured Signal Hill from the Japanese and the bombardment of the interior forts is becoming more violent.

TOKIO, Oct. 13.—The battle of Mukden continues with in-



E. S. BOYD, THE CONVICTED EMBEZZLER.

KUROPATKIN IS DRIVEN BACK.

**Center and Left Go
Rearward Under
Pressure.**

**The Battle Continues.
Russia Admits Big
Losses.**

creased fury. The forces engaged exceed those in the battle before Liaoyang. General Oku's forces have captured 25 Russian guns. Continued Japanese successes are reported.

CONSULAR DETAILS OF THE FIGHTING IN THE NORTH

Washington, Oct. 13th, 1904.

To Japanese Consul, Honolulu.

Marshal Oyama's report runs as follows:

Near Pensiho the enemy's counter attacks from all sides were entirely repulsed. On Wednesday our right army sent one detachment to Shikiatotze eight miles north of Pensiho to cut the enemy's retreat. The central and left columns of our right army occupied on Wednesday several eminences in the northeast of Yentai mines, and are now vigorously pursuing the enemy. Our central army commenced operations on Tuesday night and gained on Wednesday morning the heights a few miles east of Yentai, capturing two field guns and eight ammunition wagons, and while pursuing the enemy captured also field guns with ammunition wagons numbering eleven at Sanhuaishishin besides 150 prisoners. Pursuit by our right and central armies is progressing successfully, and on Wednesday the enemy's detachment with artillery being enveloped they were panic stricken at a place twelve miles east of Yentai, while the rest were retreating northward in disorder. Our left army, since Tuesday night, was continuously attacking the enemy posted near the railway within ten miles north of Yentai. The central column of our left army, after repulsing the enemy's strong force, occupied Lantzchies, five miles northwest of Yentai on Wednesday afternoon, capturing sixteen guns. Thereupon we immediately pursued, the enemy retreating in disorder. We captured four more guns. During the pursuit, the enemy twice made a desperate counter attack, but was each time repulsed with heavy losses. The right column of our left army, while pursuing the enemy near Shilihs, captured five guns and five ammunition wagons."

TAKAHIRA.

The significance of this dispatch can only be realized when it is shown by comparison of reliable maps that the Japanese are facing the Russians in a line across about seventy-five miles of difficult country and that the great attempt of the Russians to cut the lines of Kuroki's communication with supplies coming from the Yalu river has been defeated. The Russians sent a force to Pensiho to cut these communications. Pensiho is a town thirty-five miles due east of Liaoyang and is on the road over which all of Kuroki's supplies would have to pass. This point is directly in Kuroki's rear. From here one road runs through Motien Pass to Liaoyang while another goes northward through very difficult country to Mukden, traversing the mountains in which the Yentai coal mines are located.

While cables of a week ago were to the effect that Mukden would soon be evacuated by the Russians this dispatch shows them to be fighting at points twenty-five or thirty miles south of Mukden and over fifty miles to the southeast.

WHY THE BALTIC FLEET IS SAILING FOR THE FAR EAST

ST. PETERSBURG, October 3. Several false starts, it is believed, in an announcement is made that the Emperor Nicholas will visit Naval on Tuesday to bid farewell to the Baltic squadron. After months of preparation that the squadron is at last on the eve of its departure upon its long journey. A division in the Admiralty (Continued on page 2.)